



## JONES DAY

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JP010279:ach

June 4, 2013

**VIA CERTIFIED MAIL –**  
**RETURN RECEIPT REQUESTED**

National Freedom of Information Officer  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW (2822T)  
Washington, DC 20460

RE: FOIA Request

Dear Sir or Madam:

I am counsel for The Scotts Miracle-Gro Company, The Scotts Company LLC, and Gutwein & Co, Inc. (collectively, "Scotts"). Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, as amended ("FOIA"), the requesting party requests the information specified below. My contact information is:

Jeffrey J. Jones  
Jones Day  
325 John H. McConnell Boulevard, Suite 600  
P.O. Box 165017  
Columbus, Ohio 43216-5017  
Telephone: (614) 281-3950  
Fax: (614) 461-4198

Please provide the information by email if practicable to: jjjones@jonesday.com. The requesting party agrees to pay fees associated with this request up to one thousand dollars (\$1,000.00) without further notice from the responding agency.

**Requested information**

1. Copies of any documents, testing, scientific literature, or communications that discuss, support, analyze, contradict, or refer to the Environmental Protection Agency's analysis of Storcide II in registration number 264-992 as applied to bird food.
2. Copies of any documents, testing, scientific literature, or communications that discuss, support, analyze, contradict, or refer to the Environmental Protection Agency's determination in connection with registration number 264-992 that Storcide II is toxic to fish, birds, and other wildlife.



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**3. Copies of any documents, testing, scientific literature, or communications that discuss, support, analyze, contradict, or refer to the Environmental Protection Agency's determination in connection with registration number 264-992 that the following language should appear on Storcide II's label:**

**STORCIDE II insecticide is extremely toxic to fish and toxic to birds and other wildlife. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark. Do not discharge directly or indirectly into surface waters. Do not contaminate water by cleaning of equipment or disposal of wastes.**

**Exposed treated seeds are hazardous to birds and other wildlife. Dispose of all excess treated seeds and seed packaging by burial away from bodies of water.**

**4. Copies of any documents, testing, scientific literature, or communications that discuss, support, analyze, contradict, or refer to the Environmental Protection Agency's analysis of Actellic 5E in registration number 1381-170 as applied to bird food.**

**5. Copies of any documents, testing, scientific literature, or communications that discuss, support, analyze, contradict, or refer to the Environmental Protection Agency's determination in connection with registration number 1381-170 that the following language should appear on Actellic 5E's label:**

**Do not apply directly to water. Do not contaminate water by cleaning of equipment or disposal of waste.**

Please note that the terms "documents" and "communications" are used in the broadest possible sense. The conjunction "or" should always be interpreted in a manner that includes the most possible information, documents, or communications. Please provide responses to this request as soon as practicable. If any request, or portion thereof, is denied, please inform me in writing of the specific reasons for the denial. If part of any document responsive to this request is claimed to be exempt from disclosure, please provide the remaining non-exempt portions.

Thank you for all of your assistance with regard to this matter. If you have any questions or need anything else, please let me know.

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Very truly yours,

*Jeffrey J. Jones / per authority AEH*

Jeffrey J. Jones  
Counsel for The Scotts Miracle-Gro Company,  
The Scotts Company LLC, and  
Gutwein & Co, Inc.